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EXAMINER

RIMELL, SAMUEL G

ART UNIT

PAPER NUMBER

2175

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/327,593

Applicant(s)

BROCK ET AL.

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 9-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10, 11, 14-17 and 22 is/are allowed.
- 6) ☒ Claim(s) 12, 13, 18, 23, 24, 25, 19, 3, 20, 21, 26, 27, 28 is/are rejected.
- 7) ☒ Claim(s) 2, 4-7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**SAM RIMELL**  
**PRIMARY EXAMINER**

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Preliminary Notes: In view of applicant's arguments submitted with the appeal brief of 8/25/03, the rejection of claims 3-7, 12-13 and 18-21 under 35 USC 102(b) as being anticipated by Sauder and the rejections of claims 23-28 under 35 USC 103(a) as being obvious in view of Sauder and French have been withdrawn.

This office action includes new grounds of rejection. The claims are presented in order of their dependency from the two independent claims 12 and 19, and thus are not addressed in numerical order.

The new grounds of rejection are only applicable to claims 12, 13, 18, 23, 24, 25; and 19, 3, 20, 21, 26, 27 and 28.

This office action is non-final.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 13, 18, 23, 24, 19, 3, 20 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (U.S. Patent 1,155, 523).

Claim 12: Smith discloses a frame having the form of a hollow box. The frame includes a rectangular base (lower portion of FIG. 1). The frame includes two “wall sections”, which are the individual vertical walls marked by reference numeral (5). The wall sections (individual vertical walls) are upright when the base is placed on a horizontal surface. Each wall section has grooves (6). As described on page 1, lines 36-43 and lines 78-84, the grooves (6) accommodate transparent plates having designs. Each of these plates are readable as “wall panels” and can be

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slidably inserted into the grooves (6) when the plates are being stored. The plate has two sides, any one of which is a "support", and the surface of the plate which has the indicia is a "decorative surface". A plurality of wall panels (plates) are provided in the system.

Claim 13: The system of Smith includes two vertical walls, which are the claimed "wall sections". The system includes at least two wall panels (plates).

Claim 18: The surface designs on the plates are clothing, such as hats and outfits. Since a hat or an outfit of clothing can inherently be part of the interior of a room or building, they are readable as miniature building décor.

Claim 23: Any indicia can constitute a mural. Thus, the indicia shown on the plates of Smith are readable as a mural.

Claim 24: The indicia on the plates are miniature representations of clothing.

Claim 19: See remarks for claim 12. Note that the designs on the wall panels (plates) are different from one another.

Claim 3: The base and the wall sections (vertical walls) are rectangular. The wall sections are mounted at the edge of the base.

Claim 20: See remarks for claim 18.

Claim 27: See remarks for claim 24.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 25, 21, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (U.S. Patent 1,155,523) in view of French (U.S. Patent 5,261,849).

Claim 25: Smith differs from claim 25 in that it does not disclose indicia of doors or windows. French teaches that a figure having outfit (60) can be superimposed on background scenery (42), such as grass and trees and a house having windows and doors. It would therefore have been obvious to one of ordinary skill in the art to modify the transparent plates of Smith to further include background scenery so as to produce more realistic simulations of situations as taught by French.

Claim 21: French teaches that background scenery can include adjacent walls, namely, the walls that form a building having an interior space. It would have been obvious to modify the transparent plates of Smith to included the background scenery taught by French so as to produce more realistic simulations of situations as taught by French.

Claim 26: The background scenery of French are outdoor scenery.

Claim 28: See remarks for claim 25.

Claims 2, 4, 5, 6, 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10-11, 14-17 and 22 are allowed.

This office action is non-final.

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Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'S. Rimell', written over a horizontal line.

Sam Rimell  
Primary Examiner  
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